

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

In re:	:	X Chapter 11
	:	
BLUESUMMIT MEDICAL GROUP LLC,	:	X Case No. 24-61191-RBC
	:	
Debtor in Possession.	:	

	:	X
In re:	:	X Chapter 11
	:	
OASIS HH OPERATIONS LLC,	:	X Case No. 24-61192-RBC
	:	
Debtor in Possession.	:	

	:	X
In re:	:	X Chapter 11
	:	
SHENANDOAH VALLEY HOME HEALTH INC.,	:	X Case No. 24-61193-RBC
	:	
Debtor in Possession.	:	

	:	X
In re:	:	X Chapter 11
	:	
SEVEN HILLS HOME HEALTH INC.	:	X Case No. 24-61194-RBC
	:	
Debtor in Possession.	:	

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Kollin G. Bender (VSB No. 98912)
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Proposed Counsel for the Debtors

In re:	:	Chapter 11
	:	
SEVEN HILLS HOSPICE LLC,	:	Case No. 24-61195-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
RELIABLE HOME HEALTH CARE LLC,	:	Case No. 24-61196-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
PROCARE TN OPERATIONS LLC,	:	Case No. 24-61197-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
ASHLAND DEVELOPMENT COMPANY INC.,	:	Case No. 24-61198-RBC
	:	
Debtor in Possession.	:	
-----	X	

**MOTION OF THE DEBTORS FOR ENTRY OF INTERIM AND FINAL ORDERS
DIRECTING PROCEDURAL CONSOLIDATION OF CHAPTER 11 CASES AND
GRANTING RELATED RELIEF**

BlueSummit Medical Group LLC (“**BlueSummit**”) and certain of its affiliates (collectively, the “**Debtors**”), each of which is a debtor in possession in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”), by and through their undersigned proposed counsel, hereby file this motion (the “**Motion**”) for entry of interim and final orders pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Local Rule 1015-1 of the Local Rules for the Western District of Virginia Bankruptcy Court (the “**Local Rules**”), substantially in the form attached hereto as **Exhibit A-1** (the “**Interim Order**”)

and **Exhibit A-2** (the “**Final Order**”) directing the procedural consolidation of the Chapter 11 Cases as set forth herein. In support of this Motion, the Debtors respectfully state as follows:

Jurisdiction

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The bases for the relief requested herein are Bankruptcy Rule 1015(b) and Local Rule 1015-1.

Background

3. On October 22, 2024 (the “**Petition Date**”), the Debtors filed voluntary petitions for relief in the United States Bankruptcy Court for the Western District of Virginia (the “**Court**”) under chapter 11 of Title 11 of the United States Code (the “**Bankruptcy Code**”), thereby initiating the Chapter 11 Cases. The Debtors continue to operate their businesses and manage their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

4. No request has been made for the appointment of a trustee or examiner, and no official committee has been appointed in the Chapter 11 Cases.

5. The Debtors are a network of home health care and hospice providers in Virginia, Tennessee, and Ohio. These Chapter 11 Cases are the result of cash flow problems and aggressive merchant cash advance lenders as described in more detail in the *Declaration of Timothy Bradbury in Support of the Debtors’ Chapter 11 Petitions and Related Requests for Relief* (the “**Bradbury Declaration**”) filed contemporaneously herewith, and incorporated herein by reference.

RELIEF REQUESTED

1. By this Motion, the Debtors seek entry of an order, substantially in the form of the attached Proposed Order, directing the procedural consolidation of the above-captioned Chapter 11 Cases pursuant to Bankruptcy Rule 1015(b) and Local Rule 1015-1. Specifically, the Debtors request that the Court maintain one file and one docket for all of the Chapter 11 Cases under the case of BlueSummit Medical Group LLC and that the Chapter 11 Cases be administered under a consolidated caption as follows:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

-----	X
In re:	: Chapter 11
	:
BLUESUMMIT MEDICAL GROUP LLC, <i>et al.</i> ¹	: Case No. 24-61191-RBC
	: (Procedurally Consolidated)
Debtors in Possession.	:
-----	X

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's federal taxpayer identification number are as follows: BlueSummit Medical Group LLC (9384), Oasis HH Operations LLC (5349), Shenandoah Valley Home Health Inc. (4608), Seven Hills Hospice, LLC (8231), Seven Hills Home Health, Inc. (0554), Ashland Development Company, Inc. (6734), ProCare TN Operations LLC (2100), Reliable Home Health Care LLC (0294). The location of Debtor BlueSummit Medical Group LLC's principal place of business is: 14805 Forest Road, Suite 205, Forest, Virginia 24551.

2. The Debtors also request a docket entry, substantially similar to the following to be entered on the docket in each of the Chapter 11 Cases (other than the Chapter 11 Case of BlueSummit Medical Group LLC) to reflect the procedural consolidation of the Chapter 11 Cases:

An order has been entered in this case in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015-1 of the Local Rules of the United States Bankruptcy Court for the Western District of Virginia directing the procedural consolidation of this case with the chapter 11 cases of BlueSummit Medical Group LLC, Oasis HH Operations LLC, Shenandoah Valley Home

Health Inc., Seven Hills Hospice LLC, Seven Hills Home Health, Inc., Ashland Development Company, Inc., ProCare TN Operations LLC, and Reliable Home Health Care LLC. Unless a matter relates solely to one of the above-named debtors, all further pleadings and other papers shall be filed in, and all further docket entries shall be made in, Case No. 24-61191-RBC.

6. Finally, the Debtors seek authority to file the monthly operating reports required by the Office of the United States Trustee for the Western District of Virginia (the “**U.S. Trustee**”), on a consolidated basis, but the Debtors shall track and break out disbursements on a debtor-by-debtor basis in each monthly operating report.

7. Each of the Debtors will file their own schedules of assets and liabilities, schedules of current income and expenditures, schedules of executory contracts and unexpired leases, and statements of financial affairs (collectively, the “**Schedules and Statements**”).

BASIS FOR RELIEF

8. Bankruptcy Rule 1015(b) provides, in relevant part, that if “two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint administration of the estates.” Fed. R. Bankr. P. 1015(b). Each Debtor is an “affiliate,” as that term is defined under section 101(2) of the Bankruptcy Code, of BlueSummit Medical Group LLC. Accordingly, the Court is authorized to grant the requested relief by virtue of the fact that BlueSummit Medical Group LLC is an affiliate of each of the other Debtors.

9. Local Rule 1015-1 provides authority for the Court to order the procedural consolidation of the Chapter 11 Cases, stating that “[a] party desiring to have bankruptcy cases consolidated procedurally . . . must file a written motion requesting consolidation.” W.D. Va. Bankr. L.R. 1015-1.

10. The request for joint administration of interrelated chapter 11 cases is generally noncontroversial and routinely approved by courts in similar circumstances. *See e.g., In re*

Xinergy Ltd., et. al., Case No. 15-70444 (PMB) (Bankr. W.D. Va. April 6, 2015); *In re Shenandoah Family Farms Cooperative, Inc., a Virginia Agricultural Cooperative Corporation*, Case No. 15-50054 (RBC) (Bankr. W.D. Va. January 26, 2015); *In re IBCS Mining, Inc.*, Case No. 14-61215 (KRH) (Bankr. W.D. Va. July 8, 2014); *In re Luna Innovations, Inc.*, Case No. 09-71811 (WFS) (Bankr. W.D. Va. July 23, 2009). The Debtors submit that the circumstances described herein warrant similar relief.

11. On the Petition Date, the Debtors commenced 8 Chapter 11 Cases referenced above. Given the provisions of the Bankruptcy Rules, the Local Rules, and the Debtor's affiliation with one another, procedural consolidation of the Chapter 11 Cases is warranted and would provide significant administrative convenience without harming the substantive rights of any party in interest. Procedural Consolidation would avoid the preparation, replication, service, and filing, as applicable, of duplicative notices, application, and orders, thereby saving the Debtors considerable expense and resources. The Debtors' financial affairs and business operations are closely related. Many of the motions, hearings, and orders in the Chapter 11 Cases will affect each Debtor and its respective estate. The rights of creditors would not be adversely affected, as this Motion requests only procedural, not substantive consolidation of the estates. In addition, each creditor shall still file its claim against a particular estate.

12. All creditors would indeed benefit by the reduced cost that would result from the procedural consolidation of the Chapter 11 Cases. The Court would also be relieved of the burden of entering duplicative orders and maintaining duplicative files. Finally, supervision of the administrative aspects of the Chapter 11 Cases by the U.S. Trustee would be simplified.

13. The Debtors submit that the relief requested herein is in the best interests of the Debtors' estates and stakeholders and, therefore, should be granted.

Waiver of Stay

14. Notwithstanding any Bankruptcy Rule or Local Rule that might otherwise delay the effectiveness of any Order, and for the reasons described herein, the Debtor respectfully requests that the terms and conditions of the Proposed Order be immediately effective and enforceable upon entry.

Notice

15. Notice of this Motion has been provided by electronic or overnight mail to: (i) the Office of the United States Trustee for the Western District of Virginia; (ii) all known secured parties; (iii) the top 20 unsecured creditors for each Debtor; and (iv) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtor submits that, under the circumstances, no other or further notice of the Motion is required.

WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein and such other relief as is just and proper.

Dated: October 28, 2024

Respectfully submitted,

/s/ Brittany B. Falabella
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Kollin G. Bender (VSB No. 98912)
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Proposed Counsel for the Debtors

EXHIBIT A-1

(Proposed Interim Order)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

In re:	:	X Chapter 11
	:	
BLUESUMMIT MEDICAL GROUP LLC,	:	X Case No. 24-61191-RBC
	:	
Debtor in Possession.	:	

	:	X
In re:	:	X Chapter 11
	:	
OASIS HH OPERATIONS LLC,	:	X Case No. 24-61192-RBC
	:	
Debtor in Possession.	:	

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kbender@hirschlerlaw.com

Proposed Counsel for the Debtors

	X	
In re:	:	Chapter 11
	:	
SHENANDOAH VALLEY HOME HEALTH INC.,	:	Case No. 24-61193-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
SEVEN HILLS HOME HEALTH INC.	:	Case No. 24-61194-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
SEVEN HILLS HOSPICE LLC,	:	Case No. 24-61195-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
RELIABLE HOME HEALTH CARE LLC,	:	Case No. 24-61196-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
PROCARE TN OPERATIONS LLC,	:	Case No. 24-61197-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
ASHLAND DEVELOPMENT COMPANY INC.,	:	Case No. 24-61198-RBC
	:	
Debtor in Possession.	:	
-----	X	

**INTERIM ORDER GRANTING PROCEDURAL CONSOLIDATION OF CHAPTER 11
CASES**

Upon consideration of the motion (the “**Motion**”)¹ [Docket No. ____] of BlueSummit Medical Group LLC (“**BlueSummit**”) and certain of its affiliates (collectively, the “**Debtors**”), for entry of interim and final orders directing procedural consolidation of the Chapter 11 Cases and granting related relief; it appearing that the relief requested is in the best interests of the Debtors’ estates, creditors, and other parties in interest; the Court having jurisdiction to consider the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §157(b); venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; notice of the Motion having been adequate and appropriate under the circumstances; and after due deliberation and sufficient cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** on an interim basis pending a final hearing (the “**Final Hearing**”) thereon, which is scheduled for _____ at _____ in the United States Bankruptcy Court for the Western District of Virginia, at _____ with any objections to be filed and served so as to be received on or before _____. If no objections are filed and served in accordance with this Order, no Final Hearing will be held and the Court will enter an order granting the Motion on a final basis substantially in the form of **Exhibit A-2** of the Motion.

2. The above-captioned Chapter 11 Cases are consolidated for procedural purposes only and shall be administered by the Court under Case No. 24-61191-RBC.

3. The caption of the procedurally consolidated cases should read as follows:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

¹ Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

-----	X
In re:	: Chapter 11
	:
BLUESUMMIT MEDICAL GROUP LLC, <i>et al.</i> ²	: Case No. 24-61191-RBC
	: (Procedurally Consolidated)
Debtors in Possession.	:
-----	X

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's federal taxpayer identification number are as follows: BlueSummit Medical Group LLC (9384), Oasis HH Operations LLC (5349), Shenandoah Valley Home Health Inc. (4608), Seven Hills Hospice, LLC (8231), Seven Hills Home Health, Inc. (0554), Ashland Development Company, Inc. (6734), ProCare TN Operations LLC (2100), Reliable Home Health Care LLC (0294). The location of Debtor BlueSummit Medical Group LLC's principal place of business is: 14805 Forest Road, Suite 205, Forest, Virginia 24551.

4. A docket entry, substantially similar to the following shall be entered on the docket of each of the Debtors other than BlueSummit Medical Group LLC to reflect the joint administration of the Chapter 11 Cases:

An order has been entered in this case in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015-1 of the Local Rules of the United States Bankruptcy Court for the Western District of Virginia directing the procedural consolidation of this case with the chapter 11 cases of BlueSummit Medical Group LLC, Oasis HH Operations LLC, Shenandoah Valley Home Health Inc., Seven Hills Hospice LLC, Seven Hills Home Health, Inc., Ashland Development Company, Inc., ProCare TN Operations LLC, and Reliable Home Health Care LLC. Unless a matter relates solely to one of the above-named debtors, all further pleadings and other papers shall be filed in, and all further docket entries shall be made in, Case No. 24-61191-RBC.

5. The Debtors shall maintain, and the Clerk of the United States Bankruptcy Court for the Western District of Virginia shall keep, one consolidated docket, one file, and one consolidated service list for these Chapter 11 Cases.

6. Each of the Debtors will file their own Schedules and Statements.

7. The Debtors are authorized to file the monthly operating reports on a consolidated basis, but the Debtors shall track and break out disbursements on a debtor-by-debtor basis in each monthly operating report.

8. Nothing contained in the Motion or this Order shall be deemed or construed as directing or otherwise effecting a substantive consolidation of these Chapter 11 Cases, the Debtors, or the Debtors' estates, and this Order shall be without prejudice to the rights of the Debtors to seek entry of an Order substantively consolidating their respective cases.

9. Notwithstanding any rule to the contrary, the terms and conditions of this Order are immediately effective and enforceable upon its entry.

10. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

End of Order

We ask for this:

/s/ Brittany B. Falabella
Brittany B. Falabella (VSB No. 80131)
Kollin G. Bender (VSB No. 98912)
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Proposed Counsel for the Debtors

SEEN AND NO OBJECTION:

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Office of the United States Trustee

EXHIBIT A-2

(Proposed Final Order)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

-----	X	
In re:	:	Chapter 11
	:	
BLUESUMMIT MEDICAL GROUP LLC,	:	Case No. 24-61191-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
OASIS HH OPERATIONS LLC,	:	Case No. 24-61192-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
SHENANDOAH VALLEY HOME HEALTH INC.,	:	Case No. 24-61193-RBC
	:	
Debtor in Possession.	:	

-----	X	
	X	
In re:	:	Chapter 11
	:	
SEVEN HILLS HOME HEALTH INC.	:	Case No. 24-61194-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
SEVEN HILLS HOSPICE LLC,	:	Case No. 24-61195-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
RELIABLE HOME HEALTH CARE LLC,	:	Case No. 24-61196-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
PROCARE TN OPERATIONS LLC,	:	Case No. 24-61197-RBC
	:	
Debtor in Possession.	:	
-----	X	
	X	
In re:	:	Chapter 11
	:	
ASHLAND DEVELOPMENT COMPANY INC.,	:	Case No. 24-61198-RBC
	:	
Debtor in Possession.	:	
-----	X	

FINAL ORDER GRANTING PROCEDURAL CONSOLIDATION OF CHAPTER 11 CASES

Upon consideration of the motion (the “**Motion**”)³ [Docket No. ____] of BlueSummit Medical Group LLC (“**BlueSummit**”) and certain of its affiliates (collectively, the “**Debtors**”),

³ Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

for entry of interim and final orders directing procedural consolidation of the Chapter 11 Cases and granting related relief; it appearing that the relief requested is in the best interests of the Debtors' estates, creditors, and other parties in interest; the Court having jurisdiction to consider the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §157(b); venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; notice of the Motion having been adequate and appropriate under the circumstances; and the Court having reviewed the Motion and having held an initial hearing on October 29, 2024 (the "**Initial Hearing**") with appearances of parties in interest noted in the transcript thereof; and the Court entering an Order on _____ (the "**Interim Order**") granting the relief requested in the Motion on an interim basis; and no objections having been filed to the Interim Order in accordance with the procedures outlined therein; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** on a final basis.
2. The above-captioned Chapter 11 Cases are consolidated for procedural purposes only and shall be administered by the Court under Case No. 24-61191-RBC.
3. The caption of the procedurally consolidated cases should read as follows:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

In re:

BLUESUMMIT MEDICAL GROUP LLC, *et al.*⁴

Chapter 11

Case No. 24-61191-RBC
(Procedurally Consolidated)

Debtors in Possession.

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's federal taxpayer identification number are as follows: BlueSummit Medical Group LLC (9384), Oasis HH Operations LLC (5349), Shenandoah Valley Home Health Inc. (4608), Seven Hills Hospice, LLC (8231), Seven Hills Home Health, Inc. (0554), Ashland Development Company, Inc. (6734), ProCare TN Operations LLC (2100), Reliable Home Health Care LLC (0294). The location of Debtor BlueSummit Medical Group LLC's principal place of business is: 14805 Forest Road, Suite 205, Forest, Virginia 24551.

4. A docket entry, substantially similar to the following shall be entered on the docket of each of the Debtors other than BlueSummit Medical Group LLC to reflect the joint administration of the Chapter 11 Cases:

An order has been entered in this case in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015-1 of the Local Rules of the United States Bankruptcy Court for the Western District of Virginia directing the procedural consolidation of this case with the chapter 11 cases of BlueSummit Medical Group LLC, Oasis HH Operations LLC, Shenandoah Valley Home Health Inc., Seven Hills Hospice LLC, Seven Hills Home Health, Inc., Ashland Development Company, Inc., ProCare TN Operations LLC, and Reliable Home Health Care LLC. Unless a matter relates solely to one of the above-named debtors, all further pleadings and other papers shall be filed in, and all further docket entries shall be made in, Case No. 24-61191-RBC.

5. The Debtors shall maintain, and the Clerk of the United States Bankruptcy Court for the Western District of Virginia shall keep, one consolidated docket, one file, and one consolidated service list for these Chapter 11 Cases.

6. Each of the Debtors will file their own Schedules and Statements.

7. The Debtors are authorized to file the monthly operating reports on a consolidated basis, but the Debtors shall track and break out disbursements on a debtor-by-debtor basis in each monthly operating report.

8. Nothing contained in the Motion or this Order shall be deemed or construed as directing or otherwise effecting a substantive consolidation of these Chapter 11 Cases, the

Debtors, or the Debtors' estates, and this Order shall be without prejudice to the rights of the Debtors to seek entry of an Order substantively consolidating their respective cases.

9. Notwithstanding any rule to the contrary, the terms and conditions of this Order are immediately effective and enforceable upon its entry.

10. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

End of Order

We ask for this:

/s/ Brittany B. Falabella
Brittany B. Falabella (VSB No. 80131)
Kollin G. Bender (VSB No. 98912)
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Office of the United States Trustee